

AMENDED IN SENATE AUGUST 17, 1998
AMENDED IN SENATE AUGUST 12, 1998
AMENDED IN SENATE JULY 6, 1998
AMENDED IN ASSEMBLY MAY 18, 1998
AMENDED IN ASSEMBLY MAY 6, 1998
AMENDED IN ASSEMBLY APRIL 21, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 2438

Introduced by Assembly Member Murray

February 20, 1998

An act to add Section 1367.54 to the Health and Safety Code, and to add Section 10123.184 to the Insurance Code, relating to health insurance.

LEGISLATIVE COUNSEL'S DIGEST

AB 2438, as amended, Murray. Health care service plans: maternal and child health services.

Existing law governing health care service plans and disability insurance imposes certain requirements relating to coverage for maternity benefits and access to obstetrician-gynecologists. The willful violation of the law relating to health care service plans is a crime.

This bill would require certain group and individual health care service plan contracts, except for specialized health care service plan contracts, and certain disability insurance

policies, that are issued, amended, renewed, or delivered on or after January 1, 1999, to provide coverage for participation in the statewide prenatal testing program administered by the State Department of Health Services known as the Expanded Alpha *Feto* Protein program. The bill would also prohibit a health care service plan or a disability insurer from requiring participation in the program as a prerequisite to eligibility for or receipt of any other service. By expanding coverage responsibilities of health care service plans, this bill would impose a state-mandated local program by changing the definition of an existing crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1367.54 is added to the Health
2 and Safety Code, to read:
3 1367.54. Every group health care service plan
4 contract that provides maternity benefits, except for a
5 specialized health care service plan contract, that is
6 issued, amended, renewed, or delivered on or after
7 January 1, 1999, and every individual health care service
8 plan contract of a type and form first offered for sale on
9 or after January 1, 1999, that provides maternity benefits,
10 except a specialized health care service plan contract,
11 shall provide coverage for participation in the Expanded
12 Alpha *Feto* Protein (AFP) program, which is a statewide
13 prenatal testing program administered by the State
14 Department of Health Services. Notwithstanding any
15 other provision of law, a health care service plan that
16 provides maternity benefits shall not require
17 participation in the statewide prenatal testing program
18 administered by the State Department of Health Services



1 as a prerequisite to eligibility for, or receipt of, any other
2 service.

3 SEC. 2. Section 10123.184 is added to the Insurance
4 Code, immediately following Section 10123.18, to read:

5 10123.184. Every group policy of disability insurance
6 that covers hospital, medical, or surgical expenses,
7 ~~including~~ *and that provides* maternity benefits, that is
8 issued, amended, renewed, or delivered on or after
9 January 1, 1999, and every individual policy of disability
10 insurance that covers hospital, medical, or surgical
11 expenses, ~~including~~ *and that provides* maternity benefits,
12 that is of a type and form first offered for sale on or after
13 January 1, 1999, shall provide coverage for participation
14 in the Expanded Alpha *Feto* Protein (AFP) program,
15 which is a statewide prenatal testing program
16 administered by the State Department of Health
17 Services. Notwithstanding any other provision of law, a
18 disability insurer that provides coverage for maternity
19 benefits shall not require participation in the statewide
20 prenatal testing program administered by the State
21 Department of Health Services as a prerequisite to
22 eligibility for, or receipt of, any other service.

23 SEC. 3. No reimbursement is required by this act
24 pursuant to Section 6 of Article XIII B of the California
25 Constitution because the only costs that may be incurred
26 by a local agency or school district will be incurred
27 because this act creates a new crime or infraction,
28 eliminates a crime or infraction, or changes the penalty
29 for a crime or infraction, within the meaning of Section
30 17556 of the Government Code, or changes the definition
31 of a crime within the meaning of Section 6 of Article
32 XIII B of the California Constitution.

33 Notwithstanding Section 17580 of the Government
34 Code, unless otherwise specified, the provisions of this act
35 shall become operative on the same date that the act
36 takes effect pursuant to the California Constitution.